

## **NEGATIVE DECLARATION**

March 22, 2007

Project Name: Scott Residence T-Mobile

Project Number(s): P03-124, Log No. 03-14-062

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Biology, Noise and Stormwater

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION:

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. NOISE CONDITIONS:

Prior to the issuance of building permits, the applicant shall:

1. Specify on the "Area Plan" of Sheet Z-02 of the site plans, "six RBS2106 equipment cabinets or equivalently sized units each with an equivalent noise performance (one-hour sound pressure level) of 53 decibels (dBA) at five feet or less". This equipment was tested by Eilar Associates in April of 2004 and the results of these tests are included in the Noise Impact Analysis # A60538N1 dated December 8, 2006.
2. Identify on the "Area Plan" of Sheet Z-02 of the site plans the 8-foot tall CMU enclosure with retaining wall and sheet metal access door as "noise control elements" of the project.

Prior to occupancy of this telecommunications facility:

1. Submit to the satisfaction of the Director of Planning and Land Use for inclusion in the environmental file 03-14-062, digital photos demonstrating that the specified cabinets have been installed including their serial numbers or identification plates for each of the RBS 2106 cabinets at the completed installation. A second set of photographs shall be provided to the project's construction manager.
2. Facilitate an on-site County inspection in order to verify with the digital photographs in the environmental file 03-14-062 that the installation of the specified cabinets described in the Site Plans and/or conditions of approval are correct.

As an on-going condition of the project:

3. Be prohibited from installing any additional unspecified exterior equipment such as air conditioners or standby generators without a permit modification.

**BIOLOGY CONDITIONS:**

Prior to obtaining any building or other permit, including a grading permit, pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide for the approval of the Director of Planning and Land Use evidence that 0.22 acres of southern mixed chaparral or other Tier III or higher habitat credit(s) has been secured in a County approved mitigation bank located in the MSCP. Evidence of purchase shall include the following information to be provided by the mitigation bank:
  - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
  - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
  - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
  - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

**-OR-**

Provide for the conservation and habitat management of a minimum of 0.22 acres of southern mixed chaparral or other Tier III or higher habitat credit(s) located within the MSCP in an area designated as PAMA or meeting the definition of a BRCA. A Habitat Management Plan (HMP) for the mitigation habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of the southern mixed chaparral habitat during the breeding season defined as occurring between March 1 and August 15.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

DEPARTMENT OF PUBLIC WORKS CONDITIONS

A. Prior to obtaining any building permit pursuant to this Major Use Permit, the applicant shall:

1. Provide evidence that access to the project site is to the satisfaction of the East County Fire Protection District.
2. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove, plant or trim shrubs or trees from the Permit Services Section.
3. A grading permit will be required prior to commencing of the grading where quantities exceed 200 cubic yards of material and/or cuts or fills are five feet (5') or more in height per criteria of Section 87.201 of the County Zoning and Land Use Regulations.

B. Prior to use and reliance of the premises pursuant to this Major Use Permit, the applicant shall:

1. Comply with street lighting requirements as follows:
  - a. Transfer the property subject to this Major Use Permit (MUP 03-124) into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.

2. Furnish the Director of Planning and Land Use, along with his request for final inspection, a letter from the Director of Public Works, stating Conditions A-1 through A-3 and B-1 has been completed to that department's satisfaction.

C. The following shall apply for the duration of this Major Use Permit:

1. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

JOSEPH FARACE, Planning Manager  
Regulatory Planning Division

JF:jcr

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